

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JENNIFER KOTAS, an Individual,)	Case No. 16-3157
)	
Plaintiff,)	
)	
v.)	NOTICE OF REMOVAL
)	
TABITHA, INC.,)	
)	
Defendant.)	

COMES NOW Defendant, Tabitha, Inc., by and through its attorney, and pursuant to 28 U.S.C. § 1441(c), submits this Notice of Removal of Civil Action ("Notice"), thereby removing this case to the United States District Court for the District of Nebraska. In support of this Notice, Tabitha, Inc. states and alleges as follows:

TIMELINESS OF REMOVAL

1. Tabitha, Inc. has been named as a defendant in a civil action originally filed on June 13, 2016, in the District Court of Lancaster County, Nebraska, entitled Jennifer Kotas v. Tabitha Inc., Case No. CI 16-2072. True and correct copies of the Summons and Plaintiff's First Amended Complaint and the Summons and Plaintiff's Second Amended Complaint in this action are attached to this Notice as Exhibit A and B respectfully. [See Ex. A, Ex. B].
2. Plaintiff served Tabitha, Inc. with a Summons and the First Amended Complaint on or about September 15, 2016.

3. This Notice, filed within thirty days of Tabitha, Inc.'s receipt of the Summons and the First Amended Complaint, is timely under 28 U.S.C. § 1446(b).

BASIS FOR JURISDICTION

4. This Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1331 in that Plaintiff's action arises and alleges claims under federal law, specifically the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., including the ADA Amendments Act of 2008 [*See Ex. B: Second Amended Complaint, ¶¶ 1, 9, 25, 28, 34, 37, 40*].
5. This Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), over all other claims based on state law.
6. Written notice of the filing of this Notice will be given to Plaintiff promptly after the filing of this Notice, as is required by law.
7. A true and correct copy of this Notice will be filed with the Clerk of the District Court of Lancaster County, Nebraska, as is required by law.
8. By filing this Notice, Tabitha Inc. consents to removal of this case to the United States District Court for the District of Nebraska.
9. By filing this Notice, Tabitha Inc. does not waive any defenses and/or affirmative claims, counterclaims, or third-party claims that may be available to the Defendant.

WHEREFORE, Defendant Tabitha, Inc. prays that this action be removed from the District Court of Lancaster County, Nebraska to the United States District Court for the District of Nebraska.

Date: October 5, 2016.

TABITHA, INC., Defendant.

By: s/ Henry L. Wiedrich
Henry L. Wiedrich – #23696
Jordan R. Hasan – #25468
CLINE WILLIAMS WRIGHT
JOHNSON & OLDFATHER, L.L.P.
12910 Pierce Street, Suite 200
Omaha, NE 68144
Telephone: (402) 397-1700
hwiedrich@clnewilliams.com

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I further certify that on the same day, I served a copy of the foregoing document via United States mail, postage prepaid, to:

Kathleen Neary
Vincent M. Powers & Associates
411 South 13th Street, Suite 300
Lincoln, NE 68508

s/ Henry L. Wiedrich